

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JUNE 15, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Colleen O'Connor, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE.

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by AUSILIO to approve the agenda as presented.

MOTION carried.

3. Approval of the June 1, 2004 previous Meeting Minutes

MOTION by KRZEMINSKI seconded by THOEL to approve the June 1, 2004 previous Meeting Minutes as received.

MOTION carried.

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AGENDA ITEMS:

4. Tentative Preliminary Plat; Battaglia Subdivision; Located on the east side of North Avenue approximately 1341. 22' north of Hall Road; Dominic Battaglia, Petitioner. Permanent Parcel No. 08-36-303-024

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval. Mr. Schmeiser stated that the petitioner is required to seek a variance to provide the 18' greenbelt. The variance application has not yet been submitted to the Township.

Mr. Schmeiser reviewed with Member AUSILIO that the Planning Consultants are not recommending the walkway to the school as they do more harm than good.

Petitioner Present: Dominic Battaglia and Bill Thompson of Lehner Associates, Inc. Mr. Thompson stated the petitioner was not aware of a need for a variance but has no problem with submitting the request.

Public Portion: Township residents expressed their concerns regarding off site landscape improvements, traffic headlights, and traffic concerns. Mr. Thompson stated that the petitioner is not interested in landscaping other properties.

Member GALLAGHER stated we cannot condition any approvals with off site improvements. Further, the residents should speak with Mr. Battaglia.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Battaglia Subdivision; Permanent Parcel No. 08-36-303-024, with the understanding that a written request from the petitioner be submitted requesting to reduce the required 20' landscape to 18' along with a Variance From the Land Division Act Application and that this information be indicated as part of the Planning Consultants recommendations. The Planning Consultants recommendations are as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**

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- g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approve all engineering plans for the computed plat.
 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.
 6. Flood Plan Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
 8. That a bond in the amount to be determined by the Township Engineer based upon estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat. (Not applicable)
 9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.

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10. **All street names must be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submit 2 copies of the plat to the Supervisor's Office for addressing. Addresses will be assigned after Final Preliminary the Township Board.**
11. **That the petitioner submits two 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
12. **That the "20' common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. *The Landscape plan be revised indicating the required setbacks for the walls and signs.***
13. **That the petitioner will apply for and receive a variance to vary the 20' landscape area to (18') along the north property line in accordance with the Land Division Act.**

MOTION carried.

5. Temporary Ground Sign; Winding Creek Subdivision; Located on the south side of 26 Mile Road ¼ mile west of Luchtman Road; Pulte Homes, Petitioner.
Permanent Parcel No. 08-05-202-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: John Thompson of Atwell-Hicks and Brian Newcomb of Pulte Homes.

Clerk KOEHS stated that based upon approval of this request the petitioners understand and agree that no other signs will be located on the site. Mr. Thompson acknowledged the information discussed and agreed that no other signs will be located on the site.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Temporary Ground Sign; Winding Creek Subdivision; Permanent Parcel No. 08-05-202-014, pursuant

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to the Planning Consultants recommendations with the understanding that this temporary sign is approved for one year to expire June 15, 2005. The Planning Consultants recommendations are as follows:

- 1. That Section 10.0319 of the Zoning Ordinance be met.**
- 2. That the ground sign be limited to 32 square feet.**
- 3. A field check of the area indicated that two other non-approved signs are situated in the boulevard entrance to the subdivision. It is expected that those signs will be removed as part of the approval of this sign request.**
- 4. The petitioner must be apprised of the fact that only one temporary sign will be allowed per project.**
- 5. This temporary sign is approved for a period of one year at which time the petitioner may request an extension.**
- 6. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.

6. Temporary Ground Sign; Strathmore Condominiums; Located on the south side of 26 Mile Road ¼ mile east of Luchtman Road; Pulte Homes, Petitioner.
Permanent Parcel No. 08-04-100-029.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: John Thompson of Atwell-Hicks and Brian Newcomb of Pulte Homes.

Public Portion: None

MOTION by KOEHS seconded by THOEL to approve the Temporary Ground Sign; Strathmore Condominiums; Permanent Parcel No. 08-04-100-029, based upon the Planning Consultants recommendations with the understanding that this temporary sign is approved for one year to expire June 15, 2005. The Planning Consultants recommendations are as follows:

- 1. That Section 10.0319 of the Zoning Ordinance be met.**
- 2. That the ground sign be limited to 32 square feet.**

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3. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**
4. **The petitioner must be apprised of the fact that only one temporary sign will be allowed per project.**
5. **This temporary sign is approved for a period of one year at which time the petitioner may request an extension.**

MOTION carried.

7. Tentative Preliminary Plat; Woodview Subdivision; Located approximately ½ mile north of future 22 Mile Road and approximately ½ mile east of North Avenue; Fairchild Investments, Petitioner. Permanent Parcel No. 08-24-251-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval, adding the additional condition that a temporary turn-around be provided at the end of the proposed street between lots 15 and 16 so that Fire Department has a method to turn-around.

Petitioner Present: Not present

Public Portion: None

Member THOEL addressed his concerns regarding maintenance of the park areas.

MOTION by KOEHS seconded by KRZEMINSKI to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Woodview Subdivision; Permanent Parcel No. 08-24-251-002, with the conditions as stipulated by the Planning Consultant as to the temporary turn-around located between lots 15 and 16 and also that the maintenance of the open areas be provided for in the covenants and restrictions and that they are reviewed by the Township Attorney. The Planning Consultants recommendations are as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**

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- f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approve all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plan Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 8. That a bond in the amount to be determined by the Township Engineer based on estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.**
- 9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.**

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10. **All street names must be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submit 2 copies of the plat to the Supervisor's Office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
11. **That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
12. **That the "20' common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. (Not applicable)**

MOTION carried.

8. Tentative Preliminary Plat; Brookewoods Subdivision; Located on the north side of 25 Mile Road approximately ¼ mile west of Broughton Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-029.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daniel S. Spatafora accompanied by Jessie Crans of Elro Corporation

Member THOEL addressed his concerns regarding removing the house and barn on the property, filling of the house basement, pond and foundation concerns involving lot 109, a record as to the location of the pond for this property, and that lots 110, 111 and 112 facing 25 Mile Road be developed without a berm with turn-about cement driveways reflected in the restrictive covenants.

Mr. Spatafora addressed the areas of concern by indicating that it wouldn't be a problem to include the additional information as to the cement turn-about driveways for the lots described in the restrictive covenants.

Public Portion: Leon Polonski, a Township resident, expressed his concerns regarding water issues.

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Member THOEL addressed his concerns regarding rear yard drainage. Member AUSILIO mentioned that once the property is fully developed the resident should not be receiving this type of water run off.

Mr. Spatafora stated, "We will do all that we can to safeguard those abutting neighbors in the Supervisors Plat Subdivision fronting on Broughton Road."

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve Tentative Preliminary Plat; Brookwoods Subdivision; Permanent Parcel No. 08-04-400-029, pursuant to the recommendation of the Planning Consultant as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
2. **The Township Engineer approve all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval be met.**
5. **That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
6. **Flood Plan Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

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7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That a bond in the amount to be determined by the Township Engineer based upon estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat. (Not applicable)
9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
10. All street names must be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. Therefore, the petitioner shall submit 2 copies of the plat to the Supervisor's Office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
11. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
12. That the "20' common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. (Not applicable)

MOTION carried.

9. Temporary Ground Sign; Sycamore Estates Subdivision; Located on the east side of Card Road south of 22 Mile Road; Pulte Homes, Petitioner. Permanent Parcel No. 08-26-122-009.

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: John Thompson of Atwell-Hicks and Brian Newcomb of Pulte Homes.

Public Portion: None.

Member THOEL reviewed with the petitioner that based upon approval of this sign that all other illegal signs must be removed from this property. Mr. Thompson acknowledged and agreed to the information discussed.

MOTION by KOEHS seconded by AUSILIO to approve Temporary Ground Sign for one year to expire June 15, 2005; Sycamore Estates Subdivision; Permanent Parcel No. 08-26-122-009, as recommended by the Planning Consultants and conditioned upon that no building permits be issued or granted until the Building Department has verified that no illegal signs exist on the premises of this property. The Planning Consultants recommendations are as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the ground sign be limited to 32 square feet.
3. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.
4. The petitioner must be apprised of the fact that only one temporary sign will be allowed per project.
5. This temporary sign is approved for a period of one year at which time the petitioner may request an extension.

MOTION carried.

10. Final Preliminary Plat; Beaufait Farms Subdivision #4; Located approximately 1/3 mile east of Card Road & approximately 1/2 mile north of Hall Road; David Weber, Petitioner. Permanent Parcel No. 08-35-100-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: David Weber

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Public Portion: None

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve Final Preliminary Plat; Beaufait Farms Subdivision #4; Permanent Parcel No. 08-35-100-011, based upon the Planning Consultants recommendations as follows:

- 1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

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7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of

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Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.

MOTION carried.

11. Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision #2; Located approximately ¼ mile east of North Avenue approximately ½ mile north of Hall Road; David Weber, Petitioner. Permanent Parcel No. 08-35-401-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: David Weber

Public Portion: None

MOTION by PENZIEN seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision #2; Permanent Parcel No. 08-35-401-004, based upon the Planning Consultants as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.

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4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits

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two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.

- 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.**
- 13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.**
- 14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.**

MOTION carried.

12. Rezoning Request; Agricultural (AG) to Community Facility (CF); Located on the southeast corner of 25 Mile Road and Hayes Road; AC Enterprises, Petitioner. Permanent Parcel No. 08-07-100-015.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: A. Fazzalari of Fazal Khan & Associates

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny this Rezoning Request from Agricultural (AG) to Community Facility (CF); Permanent Parcel No. 08-07-100-015, based on the recommendations of the Planning Consultant; that the proposed rezoning is inconsistent with the goals of the Master Plan, the proposed rezoning is inconsistent with the development of the surrounding properties, and that the CF zone is a zone to provide a transition between residential and commercial, and in this case the property lies adjacent to residential. The motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**

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2. **The proposed rezoning is inconsistent with the development of the surrounding properties.**
3. **The CF zone is a zone to provide a transition between residential and commercial. In this case, the property lies adjacent to residential.**

MOTION carried.

13. Final Preliminary Plat; Turnberry Pointe Subdivision; Located approximately 430' west of Romeo Plank Road and approximately 300' south of 22 Mile Road; H & R Investments, Petitioner. Permanent Parcel No. 08-29-226-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations and addressed the issues with lot 18 not meeting the provisions of the Zoning Ordinance.

Petitioner Present: Christopher Cousino representative of H & R Investments.
Mr. Cousino stated he has no problem with revising the plans to reflect that lot 18 meet the Township Ordinance and questioned if this could be approved conditioned on this.

Member THOEL addressed his concerns involving water effects to adjacent property due to this proposal.

Public Portion: Adjacent property owners expressed their concerns with the proposed plans involving flooding, subdivision signage, deed restrictions, street lighting, and denial actions taken previously for this request.

The Members of the Board held further discussion.

MOTION by KRZEMINSKI seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Turnberry Pointe Subdivision; Permanent Parcel No. 08-29-226-021, with the added caveat that lot 18 meet the minimum Township Ordinance 120' depth requirement and that this information be listed as one of the Planning Consultants recommendations. This motion is based upon the Planning Consultants recommendations as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**

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- d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 4. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5 That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on**

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notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the revised Final Preliminary Plat drawings be submitted that indicate lot number 18 is in compliance with (Section 10.311A.1) of the Zoning Ordinance with respect to lot depth.

MOTION carried.

14. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by PENZIEN to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS:

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Jerome R. Schmeiser, Community Planning Consultant, addressed his concerns regarding some of the agenda items discussed at this meeting.

Joan Fletcher, a Township resident, expressed her concerns involving a 300 foot notice she received pertaining to Vegas Bar and Grill not discussed at this meeting. Clerk KOEHS addressed the residents concerns.

PLANNING COMMISSION COMMENTS: None

ADJOURNMENT:

MOTION by AUSILIO seconded by PENZIEN to adjourn this meeting at 9:00 p.m. for the next regular scheduled meeting.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary
Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb